HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 5373 of 2007

DATED: 10-04-2007

Between:

Thumma Tekula Rani

…Petitioner

and

The Joint Collector, Nalgonda,
Nalgonda District and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5373 of 2007

ORAL ORDER:

The petitioner's authorization as the Fair Price Shop dealer of Shop No.1 of Mattampally Village and Mandal, Nalgonda District was cancelled by the order of the 2nd respondent dated 16-3-2005. Aggrieved thereby, he preferred an appeal dated 13-4-2005 to the 1st respondent along with an application for interim relief. Till date, the 1st respondent has neither disposed of the appeal nor the petitioner's application for interim relief. While so, the 2nd respondent has issued the impugned notification dated 6-3-2006 calling for applications for grant of authorization of the Fair Price Shop in respect of which the petitioner earlier had the authorization, which was cancelled as already stated.

As the appellate authority has not granted any stay of the order of cancellation, the cancellation of the petitioner's authorization is operative. In the circumstances, there exists the existing permanent vacancy, which could be filled up by the issuance of a notification. The pendency of the appeal would *per se* not operate as an interdiction of an order of cancellation of authorization.

On the aforesaid analysis, there is no infirmity in the impugned notification. The grant of any authorization pursuant to the impugned notification will be subject to the result of the appeal pending before the 1st respondent.

The writ petition is dismissed with the above observations. There shall be no order as to costs.

The interim order granted by this Court on 18-3-2006 shall stand dissolved.

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GODA RAGHURAM, J

10-04-2007
GRR